



**DEPARTMENT OF FAIR EMPLOYMENT
AND HOUSING
ENFORCEMENT DIVISION
*DIRECTIVE***

**DIRECTIVE
NUMBER
203**

**DISTRIBUTION
DATE
October 1, 1998**

1. **SUBJECT: COMPLAINT FILING DATE**
2. **PURPOSE:** To set forth the procedures for determining a complaint's **filing date** and ensuring that all Department of Fair Employment and Housing (DFEH) complaints properly reflect that date.
3. **BACKGROUND:** The Fair Employment and Housing Act (FEHA) requires that certain actions take place within a specified number of days from the complaint filing date (e.g., service, issuance of right-to-sue letter, filing of accusation, etc.). Legal considerations make it critical that DFEH be consistent and accurate in the assignment and recording of the filing date on all complaints.
4. **PROCEDURES:**
 - A. The filing date is the date a signed complaint is **received** in a DFEH District Office.
 - 1) **Complaints Signed At Time of Intake Interview:**

Where a complainant signs a complaint at the time of the intake interview in a DFEH office, the date of the signing is the filing date.
 - 2) **Complaints Mailed For Signature:**

Where a complaint is drafted and mailed to a complainant for signature, the date the DFEH office **receives** the signed complaint is the filing date.
 - 3) **Complaints Taken for Another District Office:**

Where a complaint is drafted and signed by a complainant in a DFEH office, but sent to another office for registering, the filing date is the date the complaint is signed in the original office. It

is not the date it is received in the office where it is to be registered and investigated.

- B. **ALL** complaints will be date stamped on the front, in the lower right-hand corner, the **same day** the complaint is signed and/or received in a District Office.

NOTE: There will be **no deviation** between the date of receipt of a signed complaint and the date stamped on a complaint.

- C. The complaint will be registered following the procedures described in the Enforcement Division's Clerical Case Processing Manual.
- D. Amended complaints should be date stamped on the front, in the lower right-hand corner, the **same day** the amended complaint is **signed** and/or **received** in a District Office. However, **the filing date of the original complaint** will control the calculation of all specified statutory time limits (e.g., right-to-sue letters, accusations, etc.).
- E. In the event that a wrong date is stamped on an unregistered complaint, the date will be lined out and the corrected date entered neatly beside or above the incorrect date. The District Administrator will initial the correction and make an appropriate entry on the Case Diary prior to the complaint being served.

5. **APPROVAL:**

Nancy C. Gutierrez, Director

Date